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DEPARTMENT OF STATE A/CDC/MR
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In reply refer to
L/E 955.723/3-3161

April 18, 1961

Dear Mr. Cronin:

This is in response to your letter of March 31, 1961 to the Department of State with respect to Article 28 of the Convention for the Unification of Certain Rules Relating to International Carriage by Air, commonly known as the Warsaw Convention.

The Department regrets that it does not have available any memorandum of law concerning Article 28 of the Convention, nor can the Department make available the minutes and documents containing the debates concerning the drafting of the Convention.

However, some of the debates on this matter appear, in part, in an article by Mr. G. Nathan Calkins, entitled, "The Cause of Action Under the Warsaw Convention," Part I, contained in 26 J. Air L. & Com. 217 (1959).

Other pertinent information regarding the interpretation of Article 28 of the Convention may be found in the decision of the District Court for the District of Columbia in Dunnigan v Pan American World Airways, Inc. 4 Av. L. Rep. 17,394 (1954) and the New York Court decisions of Berner v United Airlines, Inc, 4 Av. L. Rep. 17,924 (1956) and Gali v Ne-Al Brazilian International Airlines, 211 N.Y.S. 2d 208 (1961).

We hope that this information will be of some assistance to you.

Sincerely yours,

mh
Apr. 17, '61

Walter Hollis
Acting Assistant Legal Adviser

EM/E

Mr. Philip M. Cronin,
Withington, Cross, Park & McCann,
73 Tremont Street,
Boston 8, Massachusetts.

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